

In re Patent Application of:
D'ALBORE ET AL.
Serial No. 10/820,462
Filed: APRIL 8, 2004

REMARKS

The Examiner is thanked for the careful examination of the present application and for extending all courtesies in the telephonic interview of 2/25/2008. Independent Claims 1, 16, and 25 have been amended, pursuant to the Examiner's helpful suggestion, to define over the prior art. Support for these amendments may be found in paragraph 27 of the originally filed specification.

Paragraph 17 of the specification has been amended to address a minor informality helpfully pointed out by the Examiner. In view of the amendments and arguments presented herein, it is submitted that all claims are patentable over the prior art.

I. The Amended Claims

The present invention, as recited in amended independent Claim 1, for example, is directed to a method for patching read only memory (ROM) instructions in an electronic system comprising a first non-volatile memory portion storing instruction groups defining patching functionalities, an extended memory portion storing extended instructions, and an additional memory portion.

The method comprises checking a flag stored in the additional memory portion. The flag indicates a need for executing the extended instructions in the extended memory portion. Processing of the ROM instructions in the first non-

In re Patent Application of:

D'ALBORE ET AL.

Serial No. 10/820,462

Filed: APRIL 8, 2004

/

volatile memory portion and the extended instructions in the extended memory portion are alternated based upon the flag. Independent 1 has been amended to recite the flag representing binary information associated to a subroutine to indicate whether the subroutine is in one of a free state and a busy state, the subroutine using a patching mechanism defined by the ROM instructions. Each patching mechanism has a respective flag associated therewith. Independent Claim 16 is similar to independent Claim 1 and has been similarly amended. Independent Claim 25 is a device counterpart to independent Claim 1 and has been similarly amended.

II. The Amended Claims Are Patentable

The Examiner rejected independent Claims 1, 16, and 25 over Wong et al. Wong et al. discloses a programmable memory that stores patches and vectors to determine a patch address. The Examiner correlated the patch-addresses that correspond to break-out addresses of Wong et al. to the flags of the independent claims.

Independent Claims 1, 16, and 25, however, have been amended to recite the flag representing binary information associated to a subroutine to indicate whether the subroutine is in one of a free state and a busy state, the subroutine using a patching mechanism defined by the ROM instructions. In sharp contrast to this claimed feature, the "flags" of Wong et al. are addresses to locations of the patch code. An address does not and cannot indicate whether a subroutine is in one of a free state

In re Patent Application of:

D'ALBORE ET AL.

Serial No. **10/820,462**

Filed: **APRIL 8, 2004**

/

and a busy state. Indeed, in the telephonic interview of 2/25/2008, the Examiner agreed that Wong et al. fails to disclose this feature and that, therefore, this feature defines over the prior art.

Accordingly, independent Claims 1, 16, and 25 are patentable over Wong et al. Their respective dependent claims, which recite yet further distinguishing details, are likewise patentable and require no further discussion herein.

In re Patent Application of:

D'ALBORE ET AL.

Serial No. 10/820,462

Filed: APRIL 8, 2004

CONCLUSION

In view of the amendments to the claims and the arguments provided herein, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

JEREMY B. BERMAN
Reg. No. 60,582
Allen, Dyer, Doppelt, Milbrath
& Gilchrist, P.A.
255 S. Orange Avenue, Suite 1401
Post Office Box 3791
Orlando, Florida 32802
407-841-2330